

REMARKS

In response to the Office Action dated May 2, 2007, Applicants respectfully request reconsideration based on the above claim amendments and the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance. Prior to entry of this response, Claims 1, 3-11, 13-17, 27-36, 39-44, and 47-58 were pending in the application, of which Claims 1, 8, 27, and 47 are independent. In the Office Action dated May 2, 2007, Claims 1, 3-7, 27-34, and 29-42 were rejected under 35 U.S.C. § 112, Claims 1, 3-11, 13-17, 27-31, 33-36, 39-44, 47-54, and 56-58 under 35 U.S.C. § 102(e), and Claims 32 and 55 were rejected under 35 U.S.C. § 103(a). Following this response, Claims 1, 3-11, 13-17, 27-36, 39-44, and 47-58 remain in this application. Applicants hereby address the Examiner's rejections in turn.

I. Rejection of Claims 1, 3-7, 27-34, and 29-42 Under 35 U.S.C. § 112, Second Paragraph

In the Office Action dated May 2, 2007, the Examiner rejected Claims 1, 3-7, 27-34, and 29-42 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as their invention. Claims 1 and 27-29 have been amended to recite "the digital cordless handset" rather than "the first handset" to correct antecedent problems noted by the Examiner. Applicants respectfully submit that the amendments overcome this rejection and add no new matter.

II. Rejection of Claims 1, 3-11, 13-17, 27-31, 33-36, 39-44, 47-54, and 56-58 Under 35 U.S.C. § 102(e)

In the Office Action, the Examiner rejected Claims 1, 3-11, 13-17, 27-31, 33-36, 39-44, 47-54, and 56-58 under 35 U.S.C. § 102(e) as being anticipated by U.S. Pat. Pub. No. 2004/0219948 ("Jones"). Applicants respectfully traverse this rejection.

Applicants submit a Declaration under 37 C.F.R. § 131 by Al Hicks, one of the inventors of this application. Submitted with the Declaration is an Exhibit A (collectively hereinafter referred to as the "Declaration") which was prepared prior to April 14, 2003, the effective filing date of Jones. The Declaration describes a media gateway operatively connected to a softswitch, GMSC and GGSN such that handsets used for communication purposes in connection with the wireless access point can also be used for communication purposes via a cellular network. (See Declaration paragraphs 3, 4 and Exhibit A, slides 3 and 8.) The Declaration also shows a cordless handset that allows a user to communicate via a data network and a cellular network while having a single telephone number and handset. (See Declaration paragraphs 3 4, 5, and Exhibit A slides 3 and 8.)

Based on the Declaration, at least the recitation of a media gateway having means for linking the telecommunications network to the wired data network, wherein the digital cordless handset and the second handset, using the telecommunications network, are assigned the single telephone number from Claim 1, was conceived prior to the effective filing date of Jones. The Declaration also describes at least the media gateway and cordless handset being linked such that the digital cordless handset and the second handset are assigned a single telephone number as set forth in Claim 1.

Furthermore, the Declaration establishes that the subject matter of claims 8, 27, and 47, which have similar recitations to those of Claim 1, was conceived prior to the effective filing date of Jones. For instance, the Declaration shows "providing wireless access via the wireless access points to the wired data network for the first handset over a wireless connection," as recited by Claim 8 and "means for routing the incoming call to the digital cordless handset, wherein the digital cordless handset communicates via a wireless connection with a wireless access point wired to a wired data network for wireless access to the wired data network," as recited by Claim 27. Claim 47 includes a similar recitation.

Conception is at least established by Exhibit A. Diligence from the point of conception to at least constructive reduction to practice is established by the short time span between conception and subsequent preparation of an invention disclosure form coupled with working with patent counsel to prepare and file the currently pending application. For instance, a draft application was sent to the inventors for review on June 9, 2003 and subsequently filed on July 7, 2003.

In view of the concurrently filed 37 C.F.R. 1.131 declaration, *Jones* is disqualified as prior art against the current application. For example, the 37 C.F.R. 1.131 declaration and supporting evidence show that at least portions of the claimed subject matter were conceived and at least constructively reduced to practice before *Jones'* effective date of April 14, 2003. Therefore the claimed invention cannot be anticipated by *Jones*. Accordingly, Applicants respectfully request withdrawal of this rejection of Claims 1, 3-11, 13-17, 27-31, 33-36, 39-44, 47-54, and 56-58.

III. Rejection of Claims 32 and 55 Under 35 U.S.C. § 103(a)

In the Office Action, the Examiner rejected Claims 32 and 55 under 35 U.S.C. § 103(a) as being unpatentable over *Jones* in view of U.S. Patent No. 7,107,620 ("*Haverinen*"). As stated above, in view of the concurrently filed 37 C.F.R. 1.131 declaration, *Jones* is disqualified as prior art against the current application. For example, the 37 C.F.R. 1.131 declaration and supporting evidence show that at least portions of the claimed subject matter were conceived and at least constructively reduced to practice before *Jones*' effective date of April 14, 2003. Therefore the claimed invention cannot be rendered obvious by *Jones* in view of *Haverinen*. Accordingly, Applicants respectfully request withdrawal of this rejection of Claims 32 and 55.

IV. Conclusion

In view of the foregoing remarks, Applicants respectfully request the reconsideration and reexamination of this application and the timely allowance of the pending claims. The preceding arguments are based only on the arguments in the Office Action, and therefore do not address patentable aspects of the invention that were not addressed by the Examiner in the Office Action. The claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding argument in favor of patentability is advanced without prejudice to other bases of patentability. Furthermore, the Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any

such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 13-2725.

Respectfully submitted,
MERCHANT & GOULD P.C.

P.O. Box 2903
Minneapolis, MN 55402-0903
404.954.5066

/D. Kent Stier/

Date: October 2, 2007

D. Kent Stier
Reg. No. 50,640

DKS:ARL:mdc

